**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**ORDINARY ORIGINAL CIVIL JURISDICTION**

**SUMMONS FOR JUDGMENT NO. 187 OF 2007**
**IN**
**SUMMARY SUIT NO. 342 OF 2005**

Vinod Mahabala Shetty. ... Plaintiff.

V/s.

Shekhar Puvappa Shetty. ... Defendant.

Mr. J.P. Dube for the Plaintiff.
None for the Defendant.

**CORAM : DR. D.Y. CHANDRACHUD,J.**

**18TH JUNE 2007.**

**P.C. :-**

. The Plaintiff had lent and advanced a sum of Rs.1.00 lakh to the Defendant. Towards repayment of the loan, the Defendant issued a cheque dated 24th November 2003 drawn on the Bharat Co-operative Bank Ltd. in the amount of Rs.1.00 lakh which was dishonoured by the bankers on presentation. An Advocate's notice dated 3rd December 2003 did not elicit any reply.

2. The Defendant has been served with the writ of summons and with the summons for judgment. The Defendant has not filed any defence to the claim in the

suit. The claim of the Plaintiff falls within the purview of Order 37 of the Code of Civil Procedure, 1908. The claim has been duly proved on the basis of the original documents tendered on the record. In any case, the Defendant having failed to enter appearance, the Plaintiff is entitled to a decree under the provisions of Order 37 of the C.P.C.,1908.

3. The suit is accordingly decreed as prayed with the modification that the Plaintiff would be entitled to interest at the rate of 9% per annum on the principal amount of Rs.1.00 lakh from the date of dishonour to the date of institution of the suit and at the same rate thereafter until payment or realization. The original documents may be returned by the Registry to the Advocate for the Plaintiff upon production of photocopies and subject to due verification.

4. Refund of Court fees if any, as per rules.

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